



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,567	08/20/2003	Scott G. Walton	84613-US1	6607
26384	7590	11/26/2008	EXAMINER	
NAVAL RESEARCH LABORATORY			MCDONALD, RODNEY GLENN	
ASSOCIATE COUNSEL (PATENTS)				
CODE 1008.2			ART UNIT	PAPER NUMBER
4555 OVERLOOK AVENUE, S.W.				1795
WASHINGTON, DC 20375-5320				
			MAIL DATE	DELIVERY MODE
			11/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: SCOTT G. WALTON, DARRIN LEONHARDT,
ROBERT A. MERGER, RICHARD A. MERGER
and CHRISTOPHER MURATORE

Application No. 10/644,567
Technology Center 1700

Mailed: November 26, 2008

Before Deborah L. Perry, Supervisory Paralegal Specialist, Review Team.
Perry, Supervisory Paralegal Specialist, Review Team.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on July 14, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

The Remand mailed on September 25, 2007, by the Board of Patent Appeals and Interferences has now been considered and a communication was mailed by the Technology Center/Examiner in response to the Remand on December 10, 2007.

AMENDMENT

Appellant(s) filed an Amendment dated February 14, 2008. There is no indication on the record that the Examiner has considered the above Amendment and associated documents.

CONCLUSION

Accordingly, it is
ORDERED that the application is returned to the Examiner to:

- 1) consider the Amendment filed February 14, 2008, as required; and
- 2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DLP

Navel Research Laboratory
Associate Counsel (Patents) Code 1008.2
4555 Overlook Ave., S.W.
Washington, DC 20375-5320